

HOUSE JOURNAL

SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

EIGHTEENTH DAY — THURSDAY, FEBRUARY 9, 1995

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 23).

Present — Mr. Speaker; Alexander; Allen; Alonzo; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hill; Hirschi; Hochberg; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Siebert; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Absent, Excused — Hilderbran; Stiles.

Absent — Alvarado; Haggerty; Hilbert; Holzheuser; Shields; Turner, S.

The invocation was offered by Reverend Gloria Gillaspie, Steppingstone Family Church, Burleson, as follows:

Heavenly Father:

We offer to you thanksgiving and praise for the abundance of blessings we daily enjoy from your hand.

May your blessings be upon this session and upon everyone gathered here today.

Grant to each one divine wisdom and guidance to lead the affairs of our government—that everything done would work for the good of the citizens of Texas and would be right and pleasing in your sight. Inspire ideas and solutions that will solve the difficult problems facing our leaders.

Cause your righteousness to prevail and bless us with peace and prosperity.

We pray to the ruler of heaven and earth that your will be done in the government of Texas and that the foundations of truth be firmly established in all our laws and policies.

May your grace and favor be upon us today. In the name of our Lord, Jesus Christ. Amen.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business:

Hilderbran on motion of McCall.

The following member was granted leave of absence for today because of personal business:

Stiles on motion of Hightower.

(Holzheuser and Shields now present)

MESSAGE FROM THE SENATE

Austin, Texas, February 9, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

SCR 5 by Shapiro, et al., Requesting and encouraging local counseling services to develop battering intervention and protection programs in response to the studies documenting the success of such programs.

SCR 17 by Zaffirini, Requesting the Texas Department of Criminal Justice to raise the funding priority of all diversion targeted programs.

SCR 27 by Leedom, Directing that the present State Treasury Building be named the Thomas Jefferson Rusk State Office Building.

SCR 30 by Haywood, Granting the Texas YMCA youth and government program permission to use the house and senate chambers.

SCR 42 by Nelson and Shapiro, Recognizing the members of the Texas Federation of Republican Women and commending them for their notable accomplishments.

SCR 43 by Shapiro, Designating February 8, 1995, as Crime Victims Day.

SB 124 by Moncrief, et al., Relating to notification of a victim of the offense of stalking about the release on bail of the defendant in the case.

SB 127 by Moncrief, et al., Relating to the temporary detention of certain persons charged with offenses involving family violence or the offense of stalking.

SB 129 by Moncrief, et al., Relating to magistrate's orders for emergency protection for victims of family violence or the offense of stalking and to the offense of violation of a protective order or magistrate's order for emergency protection.

SB 134 by Shapiro, et al., Relating to the punishment for certain assaults committed by one member of a family against another family member.

SB 135 by Shapiro, et al., Relating to the punishment for the offense of violation of a protective order by a habitual offender under that statute.

SB 158 by Truan, Relating to the issuance of cease and desist orders by the Texas Commission on Alcohol and Drug Abuse.

SB 223 by Zaffirini, Relating to providing notice to victims of domestic violence before releasing the offender.

Respectfully,
Betty King
Secretary of the Senate

CAPITOL PHYSICIAN

Speaker Laney presented Dr. Hugh Wilson of Hale Center as the "Doctor for the Day."

The house welcomed Dr. Wilson and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

SIGNED BY THE SPEAKER

The speaker signed in the presence of the house, after giving due notice thereof, the following enrolled resolutions:

HCR 6, SCR 44

HR 145 - ADOPTED

Representative Driver moved to suspend all necessary rules to take up and consider at this time **HR 145**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Driver,

HR 145, Congratulating Armando Banda on receiving the Horatio Alger Scholarship.

The resolution was adopted without objection.

HR 140 - ADOPTED

Representative Maxey moved to suspend all necessary rules to take up and consider at this time **HR 140**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Maxey, Greenberg, Naishtat, Dukes, and Combs,

HR 140, Paying tribute to the life and work of Sherry Anne Root.

The resolution was read and was unanimously adopted by a rising vote.

On motion of Representative Naishtat, the names of all the members of the house were added to **HR 140** as signers thereof.

(Hilbert now present)

HCR 3 - ADOPTED

Representative Uher moved to suspend all necessary rules to take up and consider at this time **HCR 3**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Uher and Laney,

HCR 3, In memory of Robert W. Calvert.

The resolution was unanimously adopted by a rising vote.

On motion of Representative Finnell, the names of all the members of the house were added to **HCR 3** as signers thereof.

HR 148 - ADOPTED

Representative T. Hunter moved to suspend all necessary rules to take up and consider at this time **HR 148**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By T. Hunter,

HR 148, In memory of Jack Ratkovic.

The resolution was unanimously adopted by a rising vote.

HR 65 - ADOPTED

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 65**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Naishtat,

HR 65, Granting the Boy Scouts of America permission to use the house chamber on February 11, 1995.

The resolution was adopted without objection.

HR 141 - ADOPTED

Representative Torres moved to suspend all necessary rules to take up and consider at this time **HR 141**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Torres,

HR 141, Congratulating May Poskey Smith on her 75th birthday.

The resolution was adopted without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Appropriations, Subcommittee on General Government, Natural Resources,

and Business and Economic Development, on adjournment today, E1.032, Capitol Extension, to consider the budget.

PROVIDING FOR ADJOURNMENT

Representative Uher moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. Monday, February 13, in memory of the Honorable Robert W. Calvert.

The motion prevailed without objection.

HOUSE BILLS ON FIRST READING

The following house bills were today laid before the house, read first time, and referred to committees:

By Brimer and Yarbrough,

HB 1086, A bill to be entitled An Act relating to disqualification for the receipt of unemployment compensation benefits based on the receipt of certain periodic payments.

To Committee on Economic Development.

By H. Cuellar,

HB 1087, A bill to be entitled An Act relating to a county strategic plan.
To Committee on County Affairs.

By Seidlits,

HB 1088, A bill to be entitled An Act relating to the disclosure of certain information by a person licensed to sell real estate.

To Committee on Licensing and Administrative Procedures.

By Brimer, Counts, Junell, et al.,

HB 1089, A bill to be entitled An Act relating to the continuation and functions of the Texas Workers' Compensation Commission; providing penalties.

To Committee on Business and Industry.

By Brimer, Counts, Junell, et al.,

HB 1090, A bill to be entitled An Act relating to the continuation and functions of the Texas Workers' Compensation Insurance Fund.

To Committee on Business and Industry.

By Brimer, Counts, Junell, et al.,

HB 1091, A bill to be entitled An Act relating to the consolidation of the Texas Workers' Compensation Research Center and the Legislative Oversight Committee for workers' compensation and to the functions of the new entity.

To Committee on Business and Industry.

(S. Turner now present)

By Rodriguez,

HB 1092, A bill to be entitled An Act relating to a municipal drainage utility system.

To Committee on Urban Affairs.

By Rodriguez,

HB 1093, A bill to be entitled An Act relating to an exception to the open meetings law for certain deliberations of the board of managers of a hospital district.

To Committee on State Affairs.

By Heflin,

HB 1094, A bill to be entitled An Act relating to delinquency charges in retail charge agreements.

To Committee on Business and Industry.

By T. Hunter,

HB 1095, A bill to be entitled An Act relating to tort reform.

To Committee on State Affairs.

By Madden,

HB 1096, A bill to be entitled An Act relating to the prohibition on unauthorized persons being in a polling place; providing a criminal penalty.

To Committee on Elections.

By Bosse,

HB 1097, A bill to be entitled An Act relating to administrative hearings for the Texas Natural Resource Conservation Commission provided by the State Office of Administrative Hearings.

To Committee on Natural Resources.

By Bosse,

HB 1098, A bill to be entitled An Act relating to the annexation of industrial areas by certain municipalities.

To Committee on Land and Resource Management.

By Bosse,

HB 1099, A bill to be entitled An Act relating to the authority of the commissioners court of a county to regulate the use of fireworks in a residential subdivision; providing a criminal penalty.

To Committee on State Affairs.

By Walker,

HB 1100, A bill to be entitled An Act relating to the restricted sale of wine for off-premises consumption by the holder of a winery permit located in certain dry areas.

To Committee on Licensing and Administrative Procedures.

By Wilson,

HB 1101, A bill to be entitled An Act relating to requiring candidates for and appointees to elective public office to submit to drug testing.

To Committee on State Affairs.

By Raymond,

HB 1102, A bill to be entitled An Act relating to adding territory to the Duval County Conservation and Reclamation District.

To Committee on Natural Resources.

By Reyna, Moffat, et al.,

HB 1103, A bill to be entitled An Act relating to authorizing certain retired peace officers to carry a handgun.

To Committee on Public Safety.

By Yost,

HB 1104, A bill to be entitled An Act relating to certain laws governing water districts and nonprofit water or sewer service corporations; creating penalties.

To Committee on Natural Resources.

By Greenberg,

HB 1105, A bill to be entitled An Act relating to the appointment of a guardian ad litem and an attorney ad litem for a child in a suit to terminate the parent-child relationship.

To Committee on Juvenile Justice and Family Issues.

By Greenberg,

HB 1106, A bill to be entitled An Act relating to prohibiting the advertisement for placement of a child for adoption; providing a penalty.

To Committee on Juvenile Justice and Family Issues.

By Greenberg,

HB 1107, A bill to be entitled An Act relating to preparation and distribution by the Department of Protective and Regulatory Services of an adoption information form.

To Committee on Juvenile Justice and Family Issues.

By Greenberg,

HB 1108, A bill to be entitled An Act relating to requiring a criminal background check for a prospective adoptive parent.

To Committee on Juvenile Justice and Family Issues.

By Greenberg,

HB 1109, A bill to be entitled An Act relating to a mandatory study into the circumstances and condition of the home of a person seeking to adopt a child.

To Committee on Juvenile Justice and Family Issues.

By Greenberg,

HB 1110, A bill to be entitled An Act relating to political contributions and expenditures in connection with and the public financing of campaigns for the supreme court and to the increase of certain fees collected by clerks of court; providing criminal penalties.

To Committee on Elections.

By Naishtat and Hilderbran,

HB 1111, A bill to be entitled An Act relating to the provision of protective services to persons who are elderly or disabled.

To Committee on Human Services.

By Marchant, et al.,

HB 1112, A bill to be entitled An Act relating to the issuance of financial obligations by certain regional transportation authorities.

To Committee on Financial Institutions.

By Johnson,

HB 1113, A bill to be entitled An Act relating to the exemption of certain pesticides from registration.

To Committee on Environmental Regulation.

By Coleman,

HB 1114, A bill to be entitled An Act relating to permitting an independent school district to elect members to its board of trustees by cumulative or limited voting.

To Committee on Public Education.

By Wilson,

HB 1115, A bill to be entitled An Act relating to filling a vacancy on the boards of certain mass transit authorities.

To Committee on Urban Affairs.

By Puente,

HB 1116, A bill to be entitled An Act relating to municipal comprehensive plans.

To Committee on Land and Resource Management.

By Telford, et al.,

HB 1117, A bill to be entitled An Act relating to the continuation and functions of the Texas Commission on the Arts.

To Committee on State, Federal, and International Relations.

By Dutton,

HB 1118, A bill to be entitled An Act relating to eligibility requirements for voting by persons convicted of a felony.

To Committee on Elections.

By Oakley,

HB 1119, A bill to be entitled An Act relating to the circumstances under which certain peace officers and fire fighters may be required to take a polygraph examination.

To Committee on Public Safety.

By Dutton,

HB 1120, A bill to be entitled An Act relating to the performance of law enforcement functions in certain counties.

To Committee on County Affairs.

By Dutton,

HB 1121, A bill to be entitled An Act relating to the offense of possessing, manufacturing, transporting, repairing, or selling a prohibited weapon.

To Committee on Criminal Jurisprudence.

By Telford,

HB 1122, A bill to be entitled An Act relating to the continuation and functions of the Texas State Library and Archives Commission, including the commission's involvement with the management of governmental records.

To Committee on State, Federal, and International Relations.

By Hilderbran,

HB 1123, A bill to be entitled An Act relating to enforcement alternatives for contempt orders for certain obligors who are delinquent in child support payments.

To Committee on Juvenile Justice and Family Issues.

By Finnell,

HB 1124, A bill to be entitled An Act relating to the investigation of certain railroad crossing violations reported by a railway employee.

To Committee on Transportation.

By Danburg,

HB 1125, A bill to be entitled An Act relating to the forced sale of a co-owner's interest in certain real property.

To Committee on Business and Industry.

By Bosse,

HB 1126, A bill to be entitled An Act relating to limiting political contributions for certain offices; providing a criminal penalty.

To Committee on State Affairs.

By Hamric,

HB 1127, A bill to be entitled An Act relating to the prohibition on increasing the total amount of ad valorem taxes imposed on the residence homestead of an elderly person.

To Committee on Ways and Means.

By Seidlits,

HB 1128, A bill to be entitled An Act relating to the membership and terms of the office of the State Board of Education.

To Committee on Public Education.

By Chisum,

HB 1129, A bill to be entitled An Act relating to mandatory premarital testing for human immunodeficiency virus infection and other sexually transmitted diseases.

To Committee on Public Health.

By Hochberg and Coleman,

HB 1130, A bill to be entitled An Act relating to the fees charged by a county to provide law enforcement services.

To Committee on County Affairs.

HOUSE JOINT RESOLUTIONS ON FIRST READING

The following house joint resolutions were today laid before the house, read first time, and referred to committees:

By Madden,

HJR 9, A joint resolution proposing a constitutional amendment providing for supreme court authority regarding funding and operation of certain programs.

To Committee on State Affairs.

By Dutton,

HJR 63, A joint resolution proposing a constitutional amendment to abolish the office of sheriff in Harris County.

To Committee on County Affairs.

By Hamric,

HJR 64, A joint resolution proposing a constitutional amendment relating to the prohibition on increasing the total amount of ad valorem taxes imposed on the residence homestead of an elderly person.

To Committee on Ways and Means.

RESOLUTIONS REFERRED TO COMMITTEES

The following resolutions were laid before the house and referred to committees:

By Davis, et al.,

HCR 64, Congratulating Dr. Stephen C. Nash on his election as president of the Interdenominational Ministerial Alliance.

To Committee on Rules and Resolutions.

By B. Turner, Yost, Combs, Black, Hilderbran, et al.,

HCR 65, Urging the Congress of the United States to amend the federal Endangered Species Act.

To Committee on Land and Resource Management.

By Johnson,

HCR 66, Requesting the United States Congress to consolidate federal workforce development programs and provide workforce development funding in the form of block grants.

To Committee on Economic Development.

By Wilson,

HCR 67, Requesting the State Preservation Board to provide for a replacement portrait of Barbara Jordan to be displayed in the Capitol.

To Committee on House Administration.

By Hilderbran,

HCR 69, Designating the Texas State Arts and Crafts Fair in Kerrville as the official arts and crafts fair of Texas.

To Committee on State, Federal, and International Relations.

By Rhodes,

HCR 70, Granting Don Ray George permission to sue the State of Texas and The Texas A&M University System.

To Committee on Civil Practices.

By Danburg, et al.,

HCR 71, Commending United States Representative Michael A. Andrews for his services to the Congress of the United States.

To Committee on Rules and Resolutions.

By Patterson,

HCR 72, In memory of W. M. "Pete" Rodes.

To Committee on Rules and Resolutions.

By Seidlits,

HR 129, Commending Dr. Harry Smith for his contributions to Austin College and higher education in Texas.

To Committee on Rules and Resolutions.

By Kubiak,

HR 131, Congratulating LaShun Evette Phillips and Dexter Dewayne Wesley on the occasion of their wedding.

To Committee on Rules and Resolutions.

By Carona,

HR 132, Recognizing Dallas Caribbean Carnival Day 1995.

To Committee on Rules and Resolutions.

By Eiland,

HR 133, Commending Walter Hallam for his service as pastor of Abundant Life Christian Center.

To Committee on Rules and Resolutions.

By Nixon, et al.,

HR 134, Congratulating the Houston Rockets on winning the 1994 NBA championship.

To Committee on Rules and Resolutions.

By B. Hunter,

HR 135, In memory of Bill Tippen.

To Committee on Rules and Resolutions.

By Pitts,

HR 136, Honoring W. H. "Bill" Larkin.

To Committee on Rules and Resolutions.

By Park,

HR 138, Congratulating Bill and Carol Lawless on their 50th wedding anniversary.

To Committee on Rules and Resolutions.

SENATE BILLS ON FIRST READING

The following senate bills were today laid before the house, read first time, and referred to committees:

SB 221 to Committee on Higher Education.

SB 319 to Committee on State Affairs.

RESOLUTION REFERRED TO COMMITTEE

The following resolution was laid before the house and referred to committee:

SCR 40, Designating Wills Point as the Bluebird Capital of Texas.

To Committee on Rules and Resolutions.

ADJOURNMENT

In accordance with a previous motion, the house, at 10:32 a.m., adjourned until 10 a.m. Monday, February 13.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

House Administration - **HCR 22, HR 7, HR 65**

ENROLLED

February 8 - **HCR 6**

SENT TO THE GOVERNOR

February 8 - **HCR 7**